REMARKS

Claims 1-51 and 61-90 are pending in the Application. No new matter is being added by way of this Reply.

Regarding allowed subject matter.

Applicant thanks the Examiner for allowing claims 9, 10, 26, 27, 82, and 83.

Regarding objections to the drawings.

The drawings filed on July 13, 2001 stand objected. Applicant requested non-publication of the patent application. Applicant will provide replacement drawings following receipt of notice of allowability and in advance of issuance or any publication.

Regarding claim rejections under 35 U.S.C. § 103(a).

Claims 1-7, 11-13, 15-16, 18-24, 28-30, 32, 33, 35, 36, 39-41, 43-48, 50, 51, 62, 64, 66, 68, 70, 72, 74-76, 78-79 and 84-89 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Primak *et al.* (U.S. Publication No. 2001/0039585) hereinafter "Primak" in view of Breese *et al.* (U.S. Patent No. 6,006,218) hereinafter "Breese." Applicant respectfully disagrees.

Applicant's claim 19 recites in pertinent part:

> providing...[a] candidate server list including at least two server addresses selected based on weights corresponding to the candidate servers;
>
> ...
>
> adding to the candidate server list an extra candidate server, independent of a server selection weight maintained for the added extra candidate server.

Applicant agrees that Primak does not teach returning a candidate server list of at least two candidate servers. *See* Office Action dated May 18, 2009, page 4, first full paragraph. Applicant further agrees that Primak does not teach adding an extra candidate server, independent of its selection weight. *See* present Office Action, page 3, second to last paragraph.

Applicant disagrees, however, that the proposed combination of Primak and Breese discloses every element of Applicant's claim 19.

For example, the proposed Primak-Breese combination describes returning a search result list ranking each result (or item) in terms of available capacity and connection quality. *See* Primak, Abstract; and Breese, column 2, lines 25-52. The combination then adjusts the rank of each item "based on the likelihood that the item is already known to the user" to re-order the list. *See* Breese, column 2, lines 25-52 and FIG. 2C (process blocks 231 and 234). Because the combination re-orders the list by "factoring [user knowledge] into the search results and ranking thereof," the list does not include some items that are ranked and other items that are not ranked. *Id*, emphasis added. In this way, the combination merely describes every item on the list is added based on rank. Thus, the prior art combination does not teach Applicant's claim 19 of "providing...[a] candidate server list including at least two server addresses selected based on weights corresponding to the candidate servers," and "adding to the candidate server list an extra candidate server, independent of a server selection weight maintained for the added extra candidate server." Emphasis added.

In fact, the prior art combination discloses "discard[ing] [some items from the list based on the adjusted ranks] in an attempt to ensure that the user is presented with information that is both new and useful." *See* Breese, column 2, lines 37-52. Because the combination discards items already known, and thus, of less value to the user, the combination is better capable of returning a limited number of search results of greater value. *Id*. Thus, "adding…an extra candidate server," as recited in Applicant's claim 19, contradicts the teachings of the prior art combination. Emphasis added.

Accordingly, Applicant respectfully submits that the Primak and Breese references, either separate or in combination, fail to teach, suggest, or otherwise render obvious at least one element recited in Applicant's claim 19. Therefore, the rejection of this claim under 35 U.S.C. §103(a) is *prima facie* deficient and should be reversed.

Independent claims 1, 35, 40, 45, and 47 recite similar elements as claim 19, and, as such, should be allowed for similar reasons.

Claims 2-7, 11-13, 15, 16, 18, 20-24, 28-30, 32, 33, 36, 38, 39, 41, 43-44, 46, 48, 50, 51, 62, 64, 66, 68, 70, 72, 74-76, 78,79, and 84-89 should be allowed for at least the same reasons as the independent claims from which they depend.

Claims 14, 31, and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Primak in view of Breese in further view of Logan (U.S. Patent No. 6,578,066). Applicant respectfully disagrees.

Because Logan was raised only to reject dependent claims 14, 31, and 77, Applicant respectfully submits that the claims should be allowed for at least the same reasons as the independent claims from which they depend. Further, the addition of this additional reference does not make up for the deficiencies of the references cited against the base Claims. Thus, Applicant respectfully submits the additional combination should be withdrawn.

Claims 17, 34, and 80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Primak in view Breese in further view of Meek *et al*. (U.S. Patent No. 6,539,426) hereinafter "Meek." Applicant respectfully disagrees.

Because Meek was raised only to reject dependent claims 17, 34, and 80, Applicant respectfully submits that the claims should be allowed for at least the same reasons as the independent claims from which they depend. Further, the addition of this additional reference does not make up for the deficiencies of the references cited against the base Claims. Thus, Applicant respectfully submits the additional combination should be withdrawn.

Claims 8, 25, 37, 42, 49, 73, and 81-83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Primak in view of Breese in further view of Guenthner *et al.* (U.S. Patent No. 6,134,588) hereinafter "Guenthner." Applicant respectfully disagrees.

Because Guenthner was raised only to reject dependent claims 8, 25, 37, 42, 49, 73, and 81-83, Applicant respectfully submits that the claims should be allowed for at least the same reasons as the independent claims from which they depend. Further, the addition of this additional reference does not make up for the deficiencies of the references cited against the base Claims. Thus, Applicant respectfully submits the additional combination should be withdrawn.

Claims 61, 63, 65, 67, 69 and 71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Primak in view of Breese in further view of Lin (U.S. Patent No. 6,298,451). Applicant respectfully disagrees.

Because Guenthner was raised only to reject dependent claims 61, 63, 65, 67, 69 and 71. Applicant respectfully submits that the claims should be allowed for at least the same reasons as the independent claims from which they depend. Further, the addition of this additional reference does not make up for the deficiencies of the references cited against the base Claims. Thus, Applicant respectfully submits the additional combination should be withdrawn.

CONCLUSION

In view of the above amendments and remarks, it is believed that all now pending claims (claims 1-51 and 61-90) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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